

**CONTINUATION-IN-PART
DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"FOLDED, BENT AND RE-EXPANDED HEAT EXCHANGER TUBE AND ASSEMBLIES"

Case No. P97,1853, the specification of which is a continuation-in-part application of pending U.S. Serial No. 08/798,615, filed February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995.

I hereby state that I have reviewed and understand the contents of the above-identified specification.

I acknowledge the duty to disclose to the United States Patent Office all information known to me, which information is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, 1.56(a)¹, including such material which became available between the filing date of the prior application and the filing date of the continuation-in-part application.

As to the subject matter of this application which is common to U.S. Serial No. 08/798,615 filed on February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995. I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earlier application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this earlier application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this earlier application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this earlier application by me or my legal representatives or assigns, except as identified below.

As to the subject matter of this application which is not common to U.S. Serial No. 08/798,615 filed on February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995. I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, 120 of any application(s) for patent or inventor's certificate listed below:

Number	Prior Application(s) Country	Date
08/798,615	United States	February 11, 1997
08/572,180	United States	December 13, 1990
06/006,655	United States	November 13, 1995

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Number	Prior Foreign Application(s) Country	Date
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¹(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Number	Prior Foreign Application(s) Country	Date
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And I hereby appoint Messrs. John D. Simpson (Reg. No. 19,842), Dennis A. Gross (24,410), Robert M. Barrett, Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), David R. Metzger (32,919), Todd S. Parkhurst (26,494), James D. Hobart (24,149), Melvin A. Robinson (31,870), John R. Garrett (27,888), Paula J. Kelly (37,624), John W. Cornell (30,619), Robert J. Depke (37,607), Joseph P. Reagan (35,332), Michael R. Hull (35,902), Michael S. Leonard (37,557), William E. Vaughn (39,056), Lewis T. Steadman (17,074), and Marvin Moody (16,549), all members of the firm of Hill & Simpson, A Professional Corporation

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my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill & Simpson
A Professional Corporation
85th Floor Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor ROGER PAULMAN
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roger E. Paulman)
Serial No.) Examiner:
Filing Date: July 30, 2001) Art Unit:
For: Folded, Bent and Re – Expanded)
Heat Exchanger Tube Assemblies)

ASSOCIATE POWER OF ATTORNEY OR AGENT (37 CFR 1.34)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Please recognize the following as Associate Attorneys in this application:

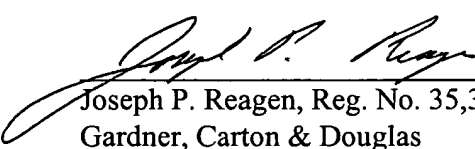
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Respectfully submitted,

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